

Hon. Jamal N. Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

CINDY CODONI and MICHELLE GEER,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

PORT OF SEATTLE, ALASKA AIR
GROUP, and DELTA AIR LINES, INC.,

Defendants.

Case No. 2:23-cv-00795 JNW

**STIPULATED MOTION REGARDING
SECOND AMENDED COMPLAINT**

**NOTE ON MOTION CALENDAR:
June 21, 2023
Without Oral Argument**

Pursuant to Western District of Washington Local Rules 7(d)(1) and 10(g), Defendants Port of Seattle, Alaska Air Group, and Delta Air Lines, Inc. (“Defendants”) and Plaintiffs Cindy Codoni and Michelle Geer (“Plaintiffs”) (collectively, the “Parties”) stipulate and move as follows:

WHEREAS, on May 26, 2023, Defendants filed a Notice of Removal (Dkt. #1) in this action.

WHEREAS, on June 1, 2023, the Parties filed a Stipulated Motion to Extend Defendants’ Responsive Pleading Deadline noting that Plaintiffs anticipated further amending their complaint and that Plaintiffs were considering filing a motion to remand (Dkt. #30 at 2).

WHEREAS, on June 12, 2023, the Court granted the Parties’ Stipulated Motion and set Defendants’ deadline to respond to the First Amended Complaint as July 10, 2023 (Dkt. #37).

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1 WHEREAS, Plaintiffs do not intend to file a motion seeking to remand this case to state
2 court or to amend their allegations relevant to federal jurisdiction.

3 WHEREAS, Plaintiffs intend to file a Second Amended Complaint to assert claims by
4 additional named plaintiffs, including claims against the Port of Seattle that are subject to a 60-
5 day pre-filing notice requirement.

6 WHEREAS, Defendants anticipate responding to the forthcoming Second Amended
7 Complaint by filing one or more dispositive motions pursuant to the Federal Rules of Civil
8 Procedure.

9 WHEREAS, given the complexity of the issues presented and Plaintiffs' intent to file a
10 Second Amended Complaint, the Parties wish to vacate the deadline for Defendants to respond to
11 the First Amended Complaint set forth in Dkt. #37, stipulate to leave to allow filing of a Second
12 Amended Complaint, and to extend Defendants' deadline to move, answer or otherwise plead in
13 response to the forthcoming Second Amended Complaint.

14 THEREFORE, IT IS STIPULATED AND AGREED that:

- 15 1. The Order continuing Defendants' deadline to respond to the First Amended Complaint
16 (Dkt. #37) is vacated.
- 17 2. Without waiving any defenses, Defendants stipulate to Plaintiffs filing a Second Amended
18 Complaint on or before August 11, 2023.
- 19 3. The parties will confer in good faith to set a deadline for Defendants to move, answer or
20 otherwise plead in response to the forthcoming Second Amended Complaint that is not less
21 than 60 days after the filing of the Second Amended Complaint, along with an associated
22 briefing schedule regarding any motions.

1 DATED: June 21, 2023

MCNAUL EBEL NAWROT & HELGREN
PLLC

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3 By: s/Malaika M. Eaton
4 Malaika M. Eaton, WSBA No. 32837

5 Attorney for Defendant Delta Air Lines, Inc.

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7 DATED: June 21, 2023

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8 By: s/Steven W. Fogg
9 Steven W. Fogg, WSBA No. 23528

10 Attorney for Defendant Alaska Air Group

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12 DATED: June 21, 2023

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15 Attorney for Defendant Port of Seattle

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17 DATED: June 21, 2023

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19 By: s/Steve W. Berman
20 Steve W. Berman, WSBA No. 12536

21 Attorney for Plaintiffs
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ORDER

PURSUANT TO THE FOREGOING STIPULATED MOTION, IT IS SO ORDERED.

1. The Order continuing Defendants' deadline to respond to the First Amended Complaint (Dkt. #37) is vacated.
2. Plaintiffs are granted leave to file a Second Amended Complaint on or before August 11, 2023.
3. The parties will confer in good faith to set a deadline for Defendants to move, answer or otherwise plead in response to the forthcoming Second Amended Complaint that is not less than 60 days after the filing of the Second Amended Complaint, along with an associated briefing schedule.

Dated this 27th day of June, 2023.



Jamal N. Whitehead
United States District Judge

Presented by:

MCNAUL EBEL NAWROT & HELGREN PLLC

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